



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
NOV 08 2001  
TECH CENTER 1600/2900

In re application of:

Drewe *et al.*

Appl. No. 09/705,840

Filed: November 6, 2000

For: **Substituted 4H-Chromene and  
Analogues as Activators of Caspases  
and Inducers of Apoptosis and the  
Use Thereof**

Confirmation No.:

Art Unit: 1625

Examiner: Robinson, B.

Atty. Docket: 1735.0410002/RWE/BEC

**First Supplemental Information Disclosure Statement  
and Fee Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided. The numbering of documents in this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement, filed April 16, 2001, submitted in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

11/06/2001 WABRHAH1 00000014 09705840

02 FC:126

180.00 OP

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and indicate in the official file wrapper of this patent application that the documents have been considered.

This First Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. The \$180.00 fee under 37 C.F.R. § 1.17(p) is included in the attached check no. 33081.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Robert W. Lemonel, Jr.*  
*Reg. No. 32,893*  
Bruce E. Chalker  
Agent for Applicants  
Registration No. 47,480

Date: Nov. 5, 2001

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

PAUSERS\MDESAN\1735\0410002\1 Supp. IDS\idspldg\_1\_1735 0410002.wpd